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January 2, 2023

Honorable Edward S. Kiel  
Frank R. Lautenberg U.S. Post  
Office & Courthouse Building  
2 Federal Square, Courtroom 8  
Newark, NJ 07102

**RE: Blueprint Capital Advisors, LLC v. Murphy, et al., No. 20-cv-07663**  
**Joint Status Letter – State Defendants’ Position**

Dear Judge Kiel,

Pursuant to the Court’s November 6, 2023 Order (Dkt. 256), the State Defendants submit their position advising the Court of the status of discovery in the above-referenced action.

**I. State Defendants’ Position**

The State Defendants disagree with Blueprint’s characterization of its discovery efforts to date. The State Defendants have made thirteen productions of documents consisting of approximately 78,272 pages.

Unlike the other parties to this litigation, the State Defendants consist of multiple state agencies, state officials, and state officials in their individual capacities. Plaintiff’s document requests were broad, and, consequently, the agreed-upon ESI search terms captured a large volume of documents. As a direct result, the State Defendants’ review of documents for responsiveness and privilege was, and continues to be, voluminous and complex. This process has necessarily involved multiple levels of review and required input from multiple state agencies and officials.

Additionally, many of the documents Blueprint requested required the State Defendants to review whether it contained trade secrets and/or competitively sensitive information that required an “Attorney’s Eyes Only” designation or redaction. Since these multiple levels of review had to be completed before the documents could be produced, it was not possible for the State Defendants to begin substantial document productions until this month.

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The State Defendants further disagree with Blueprint's characterization of documents slip sheeted with the text: "Withheld for Further Privilege Review." On the contrary, this was done to expedite the State Defendants' production of documents. If a document is responsive and contains privileged information, it must be redacted. Since it involves a review of multi-page documents so that only privileged material is redacted and non-privileged material remains, the redaction process is laborious and time consuming. To date, the State Defendants have slip sheeted 2,429 documents that require further review for privilege. Additionally, the State Defendants have produced 378 documents with redactions.

However, there are approximately 3,085 documents that require a final step of review for responsiveness and privilege. The State Defendants anticipate reviewing 1,000 documents a week and anticipate completing this review within thirty days. We have staffed the document production adequately, so that this last step can be accomplished within 30 days. Since it is the last step, we anticipate producing the documents as they are being reviewed. Further, the State Defendants have never indicated to Blueprint that they will not produce a privilege log. To the contrary, as previously stated, the State Defendants will provide a privilege log once the privilege review is completed.

On December 8, 2023, the State Defendants accepted service of Plaintiff's Rule 45 subpoena for the production of documents directed to the New Jersey Department of the Treasury. The process of responding to Plaintiff's Rule 45 subpoena has begun.

Because of the complex privilege and confidentiality considerations, the State Defendants join Cliffwater's request to extend the discovery deadlines and their request for a case management conference in February or March 2024 to set a more precise and realistic dates for the completion of fact discovery.

Sincerely,

**GREENBAUM, ROWE, SMITH & DAVIS LLP**

/s/ John D. North

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